

**AMENDMENTS TO THE CLAIMS:**

The listing of claims will replace all prior versions, and listings of claims in the application:

**LISTING OF THE CLAIMS**

1. (Currently amended) ~~An embossed~~, removable, non-slip, non-adhesive covering for a supporting surface, said covering comprising

- (a) a substrate having a top surface and a bottom surface, wherein at least a portion of said bottom surface comprises a non-slip, non-adhesive surface;
- (b) a vinyl film having a color finish on one side resembling a metal adhered on the opposite side to said top surface of said substrate; and
- (c) a clear polypropylene protective layer adhered to said vinyl film, wherein when said non-slip bottom surface of said substrate is in contact with said supporting surface, said covering resists slipping laterally relative to said supporting surface;

wherein said covering is an embossed covering.

2. (Original) The covering as set forth in claim 1, wherein said embossed covering is embossed after said clear polypropylene protective layer is adhered to said vinyl film.

3. (Original) The covering as set forth in claim 1, wherein said vinyl film has a thickness of 8 mils (0.2 mm).

4. (Original) The covering as set forth in claim 1, wherein said substrate comprises a woven scrim.

5. (Original) The covering as set forth in claim 4, wherein said substrate comprises a woven plastic scrim.

6. (Original) The covering as set forth in claim 1, wherein said scrim comprises a non-woven scrim.

7. (Original) The covering as set forth in claim 1, wherein said substrate is coated on at least said bottom surface with a non-slip cured polyvinyl resin.

8. (Original) The covering as set forth in claim 7, wherein said polyvinyl resin comprises a polyvinyl chloride resin.

9. (Currently amended) The covering as set forth in claim 1, wherein:

    said substrate comprises at least one of:

    a woven polyester scrim;

    a non-woven nylon scrim; and

    a punctured polyolefin film; and

    at least a portion of said bottom surface of said scrim is coated with a non-slip cured polyvinyl chloride resin.

10. (Original) The covering as set forth in claim 1, wherein said covering is suitable for incidental food contact.

11. (Original) The covering as set forth in claim 1, wherein said vinyl film is adhered to said top surface of said substrate with an adhesive.

12. (Currently amended) An embossed, adhesive covering for a supporting surface, said covering comprising

    (a) a substrate having a top surface and a bottom surface, wherein at least a portion of said bottom surface comprises an adhesive surface; and

    (b) a protective removable covering adhered to said top surface, wherein said removable covering can be peeled back and removed by a user;

    (c) a vinyl film having a color finish on one side resembling a metal adhered on the opposite side to said top surface of said substrate; and

    (d) a clear polypropylene protective layer adhered to said vinyl film, wherein when said adhesive surface of said substrate is in contact with said supporting surface, said covering is fixed to said supporting surface;

wherein said covering is an embossed covering.

13. (Original) The covering as set forth in claim 12, wherein said embossed covering is embossed after said clear polypropylene protective layer is adhered to said vinyl film.

14. (Original) The covering as set forth in claim 12, wherein said vinyl film has a thickness of 8 mils (0.2 mm).

15. (Original) The covering as set forth in claim 12, wherein said covering is suitable for incidental food contact.

16. (Original) The covering as set forth in claim 12, wherein said vinyl film is adhered to said top surface of said substrate with an adhesive.

17. (Currently amended) A method for covering a supporting surface, the method comprising contacting ~~he~~ the non-slip bottom surface of a covering as defined in claim 1 with a surface of said supporting surface to be covered.

## THE OFFICE ACTION

In the Office Action mailed June 16, 2005, claims 1-17 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of co-pending Application No. 10/736405.

Claims 1-5, 7, 8, 10, 11 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,130,174 issued to Hawley et al. (Hawley) in view of U.S. Application No. 2005/0112314 filed by Hamilton et al. (Hamilton), and U.S. Patent No. 4,738,888 issued to Pantaleo et al. (Pantaleo).

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hawley, Hamilton, and Pantaleo as applied to claim 1, and further in view of U.S. Patent No. 5,874,371 issued to Owen.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hawley, Hamilton, and Pantaleo as applied to claim 1, and further in view of U.S. Application No. 2003/0036323 filed by Aliabadi.

Claims 12-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hawley in view of Hamilton, Pantaleo, and U.S. Application No. 2002/0094404 filed by Schottenfeld.

## REMARKS

### Double Patenting

Accompanying this response is a Terminal Disclaimer in compliance with 37 CFR § 1.321(c) to overcome the double patenting rejection of Claims 1 through 17. The conflicting co-pending application, United States Serial No. 10/736405, and the present application, serial number 10/736404, are both assigned to the same entity and are commonly owned.

In view of the filing of the Terminal Disclaimer and the common ownership of the cited co-pending application and the present application, the withdrawal of the rejection of Claims 1 through 17 is respectfully requested.

### Claims are Patentable over Hawley in View of Hamilton and Pantaleo

With reference to the rejection of claims 1-5, 7, 8, 10, 11 and 17, Hamilton is cited in the Office Action mailed June 16, 2005 as disclosing a high bond strength, repositionable adherent sheet which material can be used in shelves. Applicant